



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Provide Direction to Staff to Resolve Unpermitted Sidewalk Removal at 1032 Laurel Avenue

MEETING DATE: October 20, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Provide direction to staff to resolve unpermitted sidewalk removal at 1032 Laurel Avenue.

BACKGROUND INFORMATION: Sharon Hughes, owner of the property at 1032 Laurel Avenue, removed her sidewalk and replaced it with grass on October 10, 2007, in response to the City of Lodi's order that she repair the damaged sidewalk. Under the City's existing sidewalk policy, the repairs are the property owner's responsibility because no City street trees exist that could have caused the damage. Mrs. Hughes has requested that she be permitted to purchase the sidewalk and street right-of-way because she is at the end of the cul-de-sac that fronts Lodi Lake. At its January 20, 2010 meeting, Council directed staff to pursue an option to exchange the right-of-way for handicap ramp improvements at the corner of Laurel Avenue and Turner Road, consistent with past City practice of exchanging right-of-way for improvements, and provide access as required.

Following that Council action, staff contacted Mrs. Hughes and relayed the direction from the Council meeting. At Mrs. Hughes' request, staff further researched the deeds and records associated with this area of Laurel Avenue. Staff discovered a number of documents in the archives that confirmed Laurel Avenue is in fact a public street up to 1046 Laurel Avenue, the third property north of Mrs. Hughes, as indicated in Exhibit A.

In staff's opinion, this changed condition affects the January 20th direction by Council since the property needed to be dedicated to the City in exchange for the sidewalk would need to triple in size (including the two neighboring properties to the north) and clearly would have land-locking impact on two northerly properties on Laurel Avenue. Staff is once again asking for direction in dealing with this unique situation.

Mrs. Hughes does not want a sidewalk (like the two neighbors to the north) to be re-installed in front of her property. In the attached April 4, 2010 letter (Exhibit B), Mrs. Hughes states that the grass has stopped the traffic congestion, discouraged illegal parking, improved emergency vehicle access and improved the aesthetics around the lake. Mrs. Hughes requests the City Council vacate the right-of-way where the sidewalk was located in exchange for constructing a handicap ramp at Turner Road and Laurel Avenue at her expense (\$1,900).

Staff suggests three options below, which could be completed following Council's direction.

Option One – Deny Mrs. Hughes request to vacate the right-of-way for in-kind improvements at Turner Road and Laurel Avenue and direct Mrs. Hughes to install the sidewalk. This is consistent with staff's recommendation of January 20, 2010.

APPROVED:


Konradt Bartlam, Interim City Manager

Option Two – Grant an exception to the City’s sidewalk standard based upon the uniqueness of the location and lack of sidewalk at the adjoining northerly neighbors’ lots. Impose an administrative fee of \$2,850 to partially reimburse the City for staff costs incurred in dealing with the issue. The estimated cost to the City to construct the access improvements at Turner Road and Laurel Avenue was \$2,850 on January 20, 2010.

Option Three – Accept Mrs. Hughes proposal to vacate the right-of-way for an in-kind construction valued at \$1,900, the same cost to construct a sidewalk at her home. It would be the City Council’s option to waive the \$1,160 processing fee and costs to prepare the required legal description of the right-of-way to be vacated (total estimated cost \$2,160).

FISCAL IMPACT: None.

FUNDING AVAILABLE: None identified.



F. Wally Sandelin
Public Works Director

Prepared by Curt Juran, Streets and Drainage Superintendent

FWS/CJJ/dsg

Attachments

cc: D. Stephen Schwabauer, City Attorney
Charles E. Swimley, Jr., Deputy Public Works Director – Utilities
Curt Juran, Streets and Drainage Superintendent



CITY OF LODI

PUBLIC WORKS DEPARTMENT

LAUREL AVENUE NORTH OF TURNER ROAD

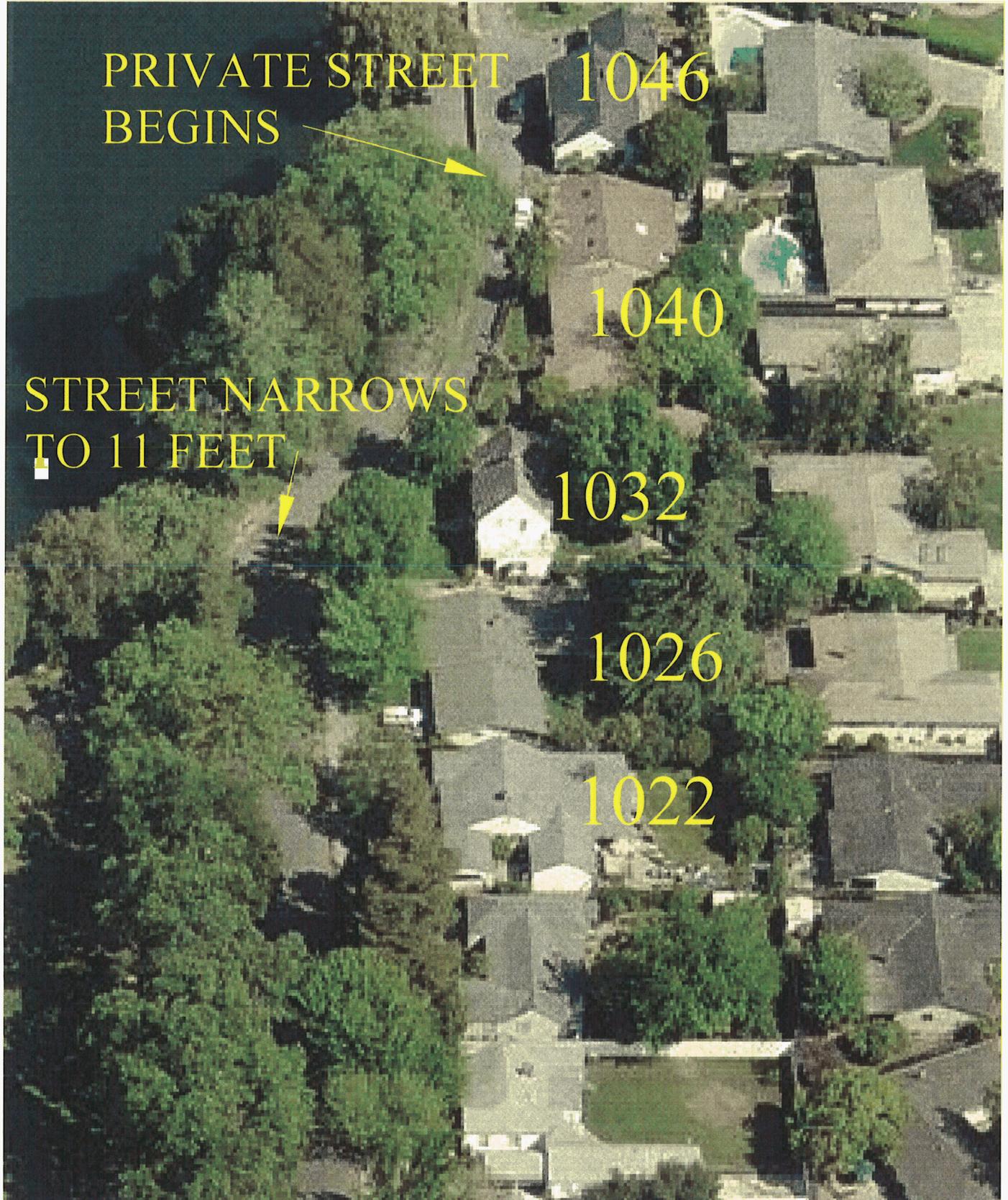




CITY OF LODI

PUBLIC WORKS DEPARTMENT

LAUREL AVENUE NORTH OF TURNER RD



April 4, 2010
Mrs. Sharon A. Hughes
1032 Laurel Avenue
Lodi, California 95242
209/368-0744

April 4, 2010

Kurt Guran
Lodi, California 95240

Dear Mr. Guran,

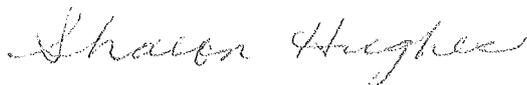
Thank you so much for providing me with the information stating that the entire Laurel Road is Lodi public property. Without this truth I fear it would have come back to haunt me.

Obviously you cannot negotiate with a piece of your property so I have another proposal. Because of the unusual situation with Laurel Avenue in front of the Lake I would very much appreciate it if you would grant me your Right of Way for the sidewalk in front of my home at 1032 Laurel Avenue. These are my main reasons:

1. The grass has totally stopped the congestion and my neighbors can always get to and from their property.
2. When cars are parked here it is impossible for the fire department or an ambulance to pass. A few years ago Eric Sorenson, who lives at the end of Laurel Avenue, did need an ambulance.
3. It looks so much nicer when you are driving around Lodi Lake.
4. Also, it is not all that easy for them to get out once they have parked here.

If you would grant me this proposal I will be glad to make a one time gift "in kind" to the City of Lodi for one handicapped ramp at the end of Laurel Avenue and Turner Road. I received three recommendations for sidewalk construction for my home from Kurt Guran: Jeff Case Construction, Ray Pride, and Popuch Concrete. Both Mr. Popuch and Mr. Case will do the job for \$1,900.00.

Thank you so much,
Respectfully submitted,



Sharon Hughes

cc: Lodi Council Members, City Attorney Stephen Schwabauer, Kurt Guran